

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Van Der Feltz *et al.*

Appl. No.: 10/811,070

Filed: March 29, 2004

For: **Lithographic Apparatus and  
Device Manufacturing Method**

Confirmation No.: 8087

Art Unit: 2851

Examiner: Peter B. Kim

Atty. Docket: 1857.2780000

**Second Supplemental Information Disclosure Statement**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on October 19, 2005 in connection with the above-captioned application.

This paper IDS is supplemental to an electronic IDS concurrently filed today. Any fee necessary for consideration of this Supplemental IDS has been authorized or otherwise submitted with the electronic IDS.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based

on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed concurrently with the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).

4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office

is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).

Document FP4 (JP 10326732) appears to describe a detector of focal point and aligner. An English language translation of document FP4 is enclosed as document NPL2.

7. Copies of document FP4 and NPL2 are enclosed. However, in accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached IDS Forms are submitted.

8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

9. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). \_\_\_\_\_ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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Date: December 5, 2006

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| FORM PTO-1449<br>SECOND SUPPLEMENTAL<br><u>INFORMATION DISCLOSURE STATEMENT</u>   |           |  | ATTY. DOCKET NO.<br>1857.2780000                     |                       | APPLICATION NO.<br>10/811,070 |           |             |
|---|-----------|--|--|-----------------------|-------------------------------|-----------|-------------|
|   |           |  | FIRST NAMED INVENTOR<br>Gustaaf Willem Van Der Feltz |                       |                               |           |             |
|   |           |  | FILING DATE<br>March 29, 2004                        |                       | ART UNIT<br>2851              |           |             |
| <b>U.S. PATENT DOCUMENTS</b>  |           |  |  |                       |                               |           |             |
| EXAMINER INITIAL  | DOC. REF. | DOCUMENT NUMBER  | DATE   | NAME                  | CLASS                         | SUB-CLASS | FILING DATE |
|   | US3       | 6,654,660  | 11/25/2003   | Bhanwar <i>et al.</i> |                               |           |             |
|   | US4       |  |  |                       |                               |           |             |
|   | US5       |  |  |                       |                               |           |             |
|   | US6       |  |  |                       |                               |           |             |
|   | US7       |  |  |                       |                               |           |             |
|   | US8       |  |  |                       |                               |           |             |
|   | US9       |  |  |                       |                               |           |             |
|   | US10      |  |  |                       |                               |           |             |
|   | US11      |  |  |                       |                               |           |             |
| <b>FOREIGN PATENT DOCUMENTS</b>   |           |  |  |                       |                               |           |             |
| EXAMINER INITIAL  | DOC. REF. | DOCUMENT NUMBER  | DATE   | COUNTRY               | CLASS                         | SUB-CLASS | TRANSLATION |
|   | FP4       | JP 10326732  | 12/08/1998   | Japan                 |                               |           | (No)        |
|   | FP5       |  |  |                       |                               |           | Yes         |
|   | FP6       |  |  |                       |                               |           | No          |
|   | FP7       |  |  |                       |                               |           | Yes         |
|   |           |  |  |                       |                               |           | No          |
| <b>NON-PATENT LITERATURE DOCUMENTS</b>  |           |  |  |                       |                               |           |             |
| EXAMINER INITIAL  | DOC. REF. | CITATION   |  |                       |                               |           |             |
|   | NPL2      | English Abstract of Japanese Patent No. 10326732, 1 page, data supplied from the esp@cenet database. |  |                       |                               |           |             |
|   | NPL3      |  |  |                       |                               |           |             |
|   | NPL4      |  |  |                       |                               |           |             |
|   | NPL5      |  |  |                       |                               |           |             |
|   | NPL6      |  |  |                       |                               |           |             |
| EXAMINER  |           |  |  | DATE CONSIDERED       |                               |           |             |
| <b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. |           |  |  |                       |                               |           |             |